

**SEMINOLE COUNTY
CHARTER REVIEW COMMISSION
PUBLIC HEARING
TUESDAY, JUNE 14, 2006
7:00 P.M.
COUNTY SERVICES BUILDING
BCC CHAMBERS – ROOM 1028
1101 EAST FIRST STREET
SANFORD, FLORIDA 32771**

Convene Charter Review Commission at 7:00 P.M.

Opening Ceremonies

- **Invocation**
- **Pledge of Allegiance**

Public Hearing

Purpose of this hearing is to obtain suggestions from the public regarding possible amendments to the Seminole County Home Rule Charter. In addition the following possible Charter amendments will be heard, subject to changes which may be made at or after such public hearing:

1. **Resolution No. 1** – Proposing Amendment of Article II of the Seminole County Home Rule Charter to provide: A method of setting salaries of County Commissioners and to set limits on increases.
2. **Resolution No. 2** – Proposing Amendment of Article V of the Seminole County Home Rule Charter to include provisions which prohibit: (1) Certain Lobbying by Seminole County Commissioners; (2) Bidding by the Seminole County tax collector or his or her employees (or their relatives) on tax certificate sales; and (3) certain officials and their employees from accepting compensation for working in other's election campaigns.
3. **Resolution No. 3** – Proposing Amendment of Article V of the Seminole County Home Rule Charter to add new provisions; (1) prohibit certain gifts to officials (or any of their relatives); (2) to prohibit attempts by officials to influence actions coming before their agency which could result in private gain to the officials of their relatives and providing for enforcement.
4. **Resolution No. 4** - Proposing Amendment of Article V of the Seminole County Home Rule Charter to provide: new requirements of full disclosure of ownership of property which is the subject of land use approvals in Seminole County, Florida.

5. **Resolution No. 5** – Proposing Amendment of Article II of the Seminole County Home Rule Charter by adding new sections to provide: that the functions and duties now prescribed by the Florida Constitution to the Clerk of the Circuit Court which relate to Clerk's duties as Auditor of County funds be transferred to a newly created auditor position serving at the pleasure of the Board of County Commissioners; for powers, duties and qualifications of said auditor; for the Clerk's duties which relate to custodian of County funds to be transferred to the County Manager.
6. **Resolution No. 6** – Proposing Amendment of Article II of the Seminole County Home Rule Charter to provide for: Adding a new section to create providing for a volunteer advisory audit committee; for setting forth the powers, duties, terms and qualifications of said audit committee; for conforming changes to sections 2.2(E) and 3.1 of the Charter.
7. **Resolution No. 7** - Proposing Amendment of Article V of the Seminole County Home Rule Charter to provide for: Adding a new section which includes the Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections within the scope of internal audits conducted by the person designated by the Charter to perform audits; for internal audit by the Clerk of the Circuit Court if no such person is designated in the Charter to perform internal audits for conforming changes to section 2.2(E) and 3.1 of the Charter.

Items for discussion – Commission, Staff, or Citizens

Adjourn Charter Review Commission Meeting

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, ADA COORDINATOR 48 HOURS IN ADVANCE OF THE MEETING AT 407-665-7941.

FOR ADDITIONAL INFORMATION REGARDING THIS NOTICE, PLEASE CONTACT THE COUNTY MANAGER'S OFFICE, AT 407-665-7219. PERSONS ARE ADVISED THAT, IF THEY DECIDE TO APPEAL DECISIONS MADE AT THESE MEETINGS / HEARINGS, THEY WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, THEY MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, PER SECTION 286.0105, FLORIDA STATUTES.

RESOLUTION NO. 5-6

A RESOLUTION OF THE 2005-2006 CHARTER REVIEW COMMISSION OF SEMINOLE COUNTY, FLORIDA, PROPOSING AMENDMENT OF ARTICLE II OF THE SEMINOLE COUNTY HOME RULE CHARTER BY ADDING NEW SECTIONS TO PROVIDE: THAT THE FUNCTIONS AND DUTIES NOW PRESCRIBED BY THE FLORIDA CONSTITUTION TO THE CLERK OF CIRCUIT COURT WHICH RELATE TO CLERK'S DUTIES AS AUDITOR OF COUNTY FUNDS BE TRANSFERRED TO A NEWLY CREATED AUDITOR POSITION SERVING AT THE PLEASURE OF THE BOARD OF COUNTY COMMISSIONERS; FOR POWERS, DUTIES AND QUALIFICATIONS OF SAID AUDITOR; FOR THE CLERK'S DUTIES WHICH RELATE TO CUSTODIAN OF COUNTY FUNDS TO BE TRANSFERRED TO THE COUNTY MANAGER; FOR CONFORMING CHANGES TO SECTION 2.2(E) AND 3.1 OF THE CHARTER; FOR A REFERENDUM; FOR AN EFFECTIVE DATE; AND FOR SUBMISSION TO THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA.

WHEREAS, Section 4.2(B), Seminole County Home Rule Charter provides that a Charter Review Commission shall review the Charter, and propose amendments which may be advisable for placement on the general election ballot for voter approval, and

WHEREAS, hearings have been held to inform the public and receive suggestions regarding this and other amendments proposed to be made to the Seminole County Home Rule Charter; and

WHEREAS, the Seminole County Home Rule Charter provides Seminole County with all powers of local self-government not inconsistent with the Constitution and laws of Florida, and,

WHEREAS, passage of this Resolution will allow the residents of Seminole County to adopt or reject the Amendment proposed herein at a special election in conjunction with the general election to be held on November 7, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE 2005-2006 CHARTER REVIEW COMMISSION OF SEMINOLE COUNTY, FLORIDA, that:

Section 1 – Adoption of Amendments:

Subject to the approval of the electors at a special election to be held in conjunction with the general election on November 7, 2006, as required by the Constitution, Laws of Florida and Section 4.2(B) of the Seminole County Home Rule Charter, the Seminole County Home Rule Charter is amended at Articles II and III to read:

Article II. Organization of County Government

Section 2.2(E) Administrative Code

The Board of County Commissioners shall adopt an Administrative Code in accordance with general law within twelve (12) months of the effective date of this Charter.

- (1) The Administrative Code shall organize the administration of county government and set forth the duties and responsibilities and powers of all county officials and agencies.
- (2) Except as specifically provided elsewhere in this charter, the Administrative Code shall not apply to the elected Constitutional Officers.

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Section 2.5 Clerk Function

A. CREATION OF COUNTY INTERNAL AUDITOR: The office of County Internal Auditor (hereinafter "Auditor") is hereby created, to be fully in place by October 1, 2007. The functions and duties now prescribed by the Constitution and laws of Florida for the office of the Clerk of the Circuit Court which relate to the Clerk's duties as auditor of county funds shall be transferred to the Auditor as of October 1, 2007. The County Commission shall appoint as Auditor a person who is a Certified Public Accountant or such other person as is qualified by education or experience in governmental

accounting, internal auditing practices, and fiscal controls. The Auditor shall serve at the pleasure of the County Commission and shall report directly to it. The Auditor shall be responsible for the maintenance of internal financial controls and for the performance of such other duties assigned by the County Commission. To the degree necessary to fulfill the responsibilities of the office, the auditor shall have the power and authority to :

(1) Conduct financial, compliance, efficiency and performance audits of Seminole County government, with written reports submitted directly to the County Commission.

(2) Have free and unrestricted access to County government employees, officials, records and reports, and, where appropriate, require all branches, departments, and officials of County government to provide oral and written reports and to produce documents, files and other financial records.

B. FINANCE FUNCTION. The functions and duties now prescribed by the Constitution and laws of Florida for the Clerk of the Circuit Court which relate to the Clerk's duties as custodian of County funds shall be transferred to the County Manager as of October 1, 2007.

Article III. Elected County Constitutional Officers

Section 3.1 Elected County Constitutional Offices

The offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as elected constitutional offices and the powers, duties and functions shall ~~not~~ be altered by this Home Rule Charter only to the extent specially provided in this Charter. ~~Except as otherwise provided in this Charter~~ The Constitutional officers shall perform their executive and administrative functions as specified by general law, the State Constitution and in accordance with any specific provisions set forth in this Charter.

Section 2 – Referendum:

On November 7, 2006, a special election shall be held in accordance with the requirements of the Constitution and Laws of Florida, and Section 4.2(B)(5) Seminole County Home Rule Charter in conjunction with the general election. The ballot pertaining to this proposed Charter Amendment shall read as follows:

Ballot language to be added.

Section 3 – Effective Date:

If approved by a majority of electors voting on the matter, this Charter Amendment shall become effective on November 7, 2006, and shall be incorporated into the Charter with any necessary renumbering or re-lettering of its provisions.

Section 4 – Submission to the Board of County Commissioners of Seminole County, Florida:

This Resolution and proposed amendment shall be delivered to the Board of County Commissioners of Seminole County, Florida, in accordance with Section 4.2(B)(5), Seminole County Home Rule Charter, for placement on the general election ballot to be held November 7, 2006.

APPROVED AND ADOPTED by the Seminole County Charter Review Commission on this _____ day of _____, 2006.

By: Ben Tucker
Chairman, Seminole County
Charter Review Commission

RESOLUTION NO. 67

A RESOLUTION OF THE CHARTER REVIEW COMMISSION OF SEMINOLE COUNTY, FLORIDA, PROPOSING AMENDMENT OF ARTICLE II OF THE SEMINOLE COUNTY HOME RULE CHARTER TO PROVIDE FOR: ADDING A NEW SECTION TO CREATE PROVIDE FOR A VOLUNTEER ADVISORY AUDIT COMMITTEE; FOR SETTING FORTH THE POWERS, DUTIES, TERMS AND QUALIFICATIONS OF SAID AUDIT COMMITTEE; FOR CONFORMING CHANGES TO SECTION 2.2(E) AND 3.1 OF THE CHARTER; FOR A REFERENDUM; FOR AN EFFECTIVE DATE; AND FOR SUBMISSION TO THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA.

WHEREAS, Section 4.2(B), Seminole County Home Rule Charter provides that a Charter Review Commission periodically shall review the Charter, and propose amendments which may be advisable for placement on the general election ballot for voter approval, and

WHEREAS, hearings have been held to inform the public and receive suggestions regarding this and other amendments proposed to be made to the Seminole County Home Rule Charter; and

WHEREAS, the Seminole County Home Rule Charter provides Seminole County with all powers of local self-government not inconsistent with the Constitution and laws of Florida, and,

WHEREAS, passage of this Resolution will allow the residents of Seminole County to adopt or reject the Amendment proposed herein at a special election in conjunction with the general election to be held on November 7, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE 2005-2006 CHARTER REVIEW COMMISSION OF SEMINOLE COUNTY, FLORIDA, that:

Section 1 – Adoption of Amendments:

Subject to the approval of the electors at a special election to be held in conjunction with the general election on November 7, 2006, as required by the Constitution, Laws of Florida and Section 4.2(B) of the Seminole County Home Rule Charter, the Seminole County Home Rule Charter is amended at Articles II and III ~~and V~~ to read:

Article II. Organization of County Government

Section 2.2(E) Administrative Code

The Board of County Commissioners shall adopt an Administrative Code in accordance with general law within twelve (12) months of the effective date of this Charter.

- (1) The Administrative Code shall organize the administration of county government and set forth the duties and responsibilities and powers of all county officials and agencies.
- (2) Except as specifically provided elsewhere in this Charter, the Administrative Code shall not apply to the elected Constitutional Officers.

...

Section 2.5 Creation of Audit Committee

- A. PURPOSE, SCOPE AND POWERS OF AUDIT COMMITTEE: On or before October 1, 2007, the Board of County Commissioners shall, by ordinance, provide for creation of an Audit Committee, (the “Committee”), to act as an oversight board to broaden the coverage of, and to enhance the effectiveness of internal audit functions with respect to the collection and expenditure of public funds, and to ensure prompt consideration of audit findings and implementation of corrective action where appropriate.
- B. COMMITTEE STRUCTURE: The Committee shall be a volunteer advisory board to the Board of County Commissioners (“the Commission”), with two voting members selected by majority vote of the Commission, and the remaining five may be chosen, one each, by the Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections and Clerk of Circuit Court at their option (“the Constitutional Officers”). If any of the Constitutional Officers elect not to

~~choose a member, that member will be chosen by majority vote of the Commission. If the Constitutional Officers do not become subject to internal audit by the County, the Committee instead shall consist of five members, one to be selected by each district County Commissioner.~~ Members shall be residents of Seminole County not employed by Seminole County, and members shall have no regular business dealings with the County. In appointing individuals to serve on the Committee, the Constitutional Officers and/or the County Commissioners shall consider the County's commitment to diversity, and shall select professionals with backgrounds in accounting and finance. The Committee shall report directly to the Board of County Commissioners.

- C. TERMS OF COMMITTEE: The term of service for Committee members shall be for two fiscal years. Committee members appointed by the Commission will serve initial terms of two years, and Committee members appointed by Constitutional Officers will serve initial terms of three years. After each member's initial term, all memberships will be for a two year term. There shall be a maximum of two (2) terms or four (4) years, whichever is greater.

Article III. Elected County Constitutional Offices

Section 3.1 Elected County Constitutional Offices

The offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as elected constitutional offices and the powers, duties and functions shall ~~not~~ be altered by this Home Rule Charter only to the extent specially provided in this Charter. ~~Except as otherwise provided in this Charter.~~ The Constitutional officers shall perform their executive and administrative functions as specified by general law, the State Constitution and in accordance with any specific provisions set forth in this Charter.

Section 2 – Referendum:

On November 7, 2006, a special election shall be held in accordance with the requirements of the Constitution and Laws of Florida, and Section 4.2(B)(5) Seminole County Home Rule Charter in conjunction with the general election. The ballot pertaining to this proposed Charter Amendment shall read as follows:

Ballot language to be added.

Section 3 – Effective Date:

If approved by a majority of electors voting on the matter, this Charter Amendment shall become effective on November 7, 2006, and shall be incorporated into the Charter with any necessary renumbering or relettering of its provisions.

Section 4 – Submission to the Board of County Commissioners of Seminole County, Florida:

This Resolution and proposed amendment shall be delivered to the Board of County Commissioners of Seminole County, Florida, in accordance with Section 4.2(B)(5), Seminole County Home Rule Charter, for placement on the general election ballot to be held November 7, 2006.

APPROVED AND ADOPTED by the Seminole County Charter Review Commission on this _____ day of _____, 2006.

By: Ben Tucker
Chairman, Seminole County
Charter Review Commission

RESOLUTION NO. 75

A RESOLUTION OF THE 2005-2006 CHARTER REVIEW COMMISSION OF SEMINOLE COUNTY, FLORIDA, PROPOSING AMENDMENT OF ARTICLE V OF THE SEMINOLE COUNTY HOME RULE CHARTER TO PROVIDE FOR: ADDING A NEW SECTION WHICH INCLUDES THE SHERIFF, PROPERTY APPRAISER, TAX COLLECTOR, CLERK OF THE CIRCUIT COURT AND SUPERVISOR OF ELECTIONS WITHIN THE SCOPE OF INTERNAL AUDITS CONDUCTED BY THE PERSON DESIGNATED BY THE CHARTER TO PERFORM AUDITS; FOR INTERNAL AUDIT BY THE CLERK OF CIRCUIT COURT IF NO SUCH PERSON IS DESIGNATED IN THE CHARTER TO PERFORM INTERNAL AUDITS; FOR CONFORMING CHANGES TO SECTION 2.2(E) AND 3.1 OF THE CHARTER; FOR A REFERENDUM; FOR AN EFFECTIVE DATE; AND FOR SUBMISSION TO THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA.

WHEREAS, Section 4.2(B), Seminole County Home Rule Charter provides that a Charter Review Commission periodically shall review the Charter, and proposed amendments which may be advisable for placement on the general election ballot for voter approval, and

WHEREAS, hearings have been held to inform the public and receive suggestions regarding this and other amendments proposed to be made to the Seminole County Home Rule Charter; and

WHEREAS, the Seminole County Home Rule Charter provides Seminole County with all powers of local self-government not inconsistent with the Constitution and laws of Florida, and,

WHEREAS, passage of this Resolution will allow the residents of Seminole County to adopt or reject the Amendment proposed herein at a special election in conjunction with the general election to be held on November 7, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE 2005-2006 CHARTER REVIEW COMMISSION OF SEMINOLE COUNTY, FLORIDA, that:

Section 1 – Adoption of Amendments:

Subject to the approval of the electors at a special election to be held in conjunction with the general election on November 7, 2006, as required by the Constitution, Laws of Florida and Section 4.2(B) of the Seminole County Home Rule Charter, the Seminole County Home Rule Charter is amended at Article II, III and V to read:

Article II. Organization of County Government

Section 2.2(E) Administrative Code

The Board of County Commissioners shall adopt an Administrative Code in accordance with general law within twelve (12) months of the effective date of this Charter.

- (1) The Administrative Code shall organize the administration of county government and set forth the duties and responsibilities and powers of all county officials and agencies.
- (2) Except as specifically provided elsewhere in this Charter, the Administrative Code shall not apply to the elected Constitutional Officers.

Article III. Elected County Constitutional Offices

Section 3.1 Elected County Constitutional Offices

The offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as elected constitutional offices and the powers, duties and functions shall ~~not~~ be altered by this Home Rule Charter only to the extent specially provided in this Charter. ~~Except as otherwise provided in this Charter~~ The Constitutional officers shall perform their executive and administrative functions as specified by

general law, the State Constitution and in accordance with any specific provisions set forth in this Charter.

Article V Miscellaneous Provisions

Section 1.5 Audit of Constitutional Officers

Notwithstanding the provisions of section 3.1 of this Charter, The Constitutional Offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall, as of October 1, 2007, also be subject to internal audit to the same extent, and by the person then designated by this Charter to conduct internal audits of Seminole County (or, if none is so designated, by the Clerk of the Court). A copy of each such audit shall be provided to the affected Constitutional Officer and to the Board of County Commissioners.

Section 2 – Referendum:

On November 7, 2006, a special election shall be held in accordance with the requirements of the Constitution and Laws of Florida, and Section 4.2(B)(5) Seminole County Home Rule Charter in conjunction with the general election. The ballot pertaining to this proposed Charter Amendment shall read as follows:

Ballot language to be added.

Section 3 – Effective Date:

If approved by a majority of electors voting on the matter, this Charter Amendment shall become effective on November 7, 2006, and shall be incorporated into the Charter with any necessary renumbering or relettering of its provisions.

Section 4 – Submission to the Board of County Commissioners of Seminole County, Florida:

This Resolution and proposed amendment shall be delivered to the Board of County Commissioners of Seminole County, Florida, in accordance with Section 4.2(B)(5), Seminole County Home Rule Charter, for placement on the general election ballot to be held November 7, 2006.

APPROVED AND ADOPTED by the Seminole County Charter Review Commission on this _____ day of _____, 2006.

By: Ben Tucker
Chairman, Seminole County
Charter Review Commission

**NOTICE OF PUBLIC HEARING
SEMINOLE COUNTY CHARTER
REVIEW COMMISSION
RE: POSSIBLE CHARTER AMENDMENTS**

Notice is hereby given that at on Wednesday June 14, 7:00 pm, as soon thereafter as possible, the Charter Review Commission will be conducting a public hearing at the Seminole County Services Building, 1101 East First Street, BCC Chambers, Sanford, Florida for the purpose of obtaining suggestions from the public regarding the following possible amendments to the Seminole County Home Rule Charter

(1) Amending Section 2.2c of the Charter to include changes that provide that salaries of County Commissioners shall be set by ordinance and salaries shall not exceed the percentage change in the US Consumer Price Index; (2) Adding a new provision that, as of October 1, 2007, creates a volunteer advisory Audit Committee; which reports directly to the Board of County Commissioners, whose duties will include serving as an oversight board to enhance the effectiveness of internal audit functions with respect to the collection and expenditure of public funds and ensure prompt consideration of audit findings and implementation of corrective action when appropriate; setting forth the specifics of membership qualifications, committee composition and terms of said Audit Committee; (3) Creating a new provision that requires, as of October 1, 2007, the duties of the Clerk of Circuit Court which relate to auditor of county funds be transferred to a newly created Auditor position; setting forth qualification requirements and specific powers and duties of the Auditor, who will report directly to the Board of County Commissioners and have responsibilities that include conducting financial, compliance, efficiency and performance audits of the County government and officials, and allowing the Auditor access to employees, documents and all types of records and related information; further requiring that the functions and duties now prescribed by the constitution and laws of Florida to the Clerk of the Circuit Court which relate to the Clerk's duties as custodian of County funds shall be transferred to the County Manager as of October 1, 2007; (4) requiring that the Constitutional Officers likewise be subject to internal audit by the person designated with such responsibility by the Charter, or if none designated, by the Clerk of Circuit Court; (5) Creating new provisions related to ethics of the Board of County Commissioners and of Seminole County (the "Board") and Constitutional Officers (referred to collectively as "Officials") which require that the Board adopt an ordinance by January 1, 2008 including provisions prohibiting lobbying by County Commissioners, prohibiting gifts to Officials or their relatives in certain circumstances, prohibiting the Seminole County Tax Collector or his or her employees and their relatives from bidding in tax certificates sales, prohibiting said Officials' employees from rendering services for compensation to another such Official who may be running for public office, prohibiting Officials from attempting to influence the outcome of any matter coming before their agency which could inure to said Official's private benefit, requiring complete disclosure of the names of all parties with ownership interest in properties that are the subject of certain land use approval applications in Seminole County; requiring that the Board provide for enforcement mechanisms including negotiating a contract acceptable to the State Attorney of the 18th Judicial Circuit in order to reimburse the costs associated with the prosecution of violators of

said ordinance and otherwise pay for investigation costs associated with enforcement; (7) providing for effective date, referendum and other terms and provisions too numerous to mention herein.

Citizens are encouraged to provide comments to the Charter Review Commission either prior to or at the Public Hearing. Written materials may be mailed to Charter Review Commission, c/o Sharon Peters, Executive Assistant, County Services Building, Room 3004, 1101 East First Street, Sanford, Florida 32771, where copies of said draft proposed amendments may also be inspected by the public. Copies of said draft amendments are also available in the Clerk's office in the County Services Building. Citizens having questions regarding this public hearing may telephone Sharon Peters 407-665-7211.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT ADA COORDINATOR 48 HOURS IN ADVANCE OF THE MEETING AT 407-665-7941

FOR ADDITIONAL INFORMATION REGARDING THIS NOTICE, PLEASE CONTACT THE COUNTY MANAGER'S OFFICE AT 407-665-7211. PERSONS ARE ADVISED THAT, IF THEY DECIDE TO APPEAL ANY DECISIONS MADE AT THESE MEETINGS/HEARINGS, THEY WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE THEY MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTAMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, PER SECTION 286.0105, FLORIDA STATUTES.

RESOLUTION NO. 1

A RESOLUTION OF THE 2005-2006 CHARTER REVIEW COMMISSION OF SEMINOLE COUNTY, FLORIDA, PROPOSING AMENDMENT OF ARTICLE II OF THE SEMINOLE COUNTY HOME RULE CHARTER TO PROVIDE: A METHOD FOR SETTING SALARIES OF COUNTY COMMISSIONERS AND TO SET LIMITS ON INCREASES THERE TO; FOR A REFERENDUM; FOR AN EFFECTIVE DATE; AND FOR SUBMISSION TO THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA.

WHEREAS, Section 4.2(B), Seminole County Home Rule Charter provides that a Charter Review Commission periodically shall review the Charter, and propose amendments which may be advisable for placement on the general election ballot for voter approval, and

WHEREAS, hearings have been held to inform the public and receive suggestions regarding this and other amendments proposed to be made to the Seminole County Home Rule Charter; and

WHEREAS, the Seminole County Home Rule Charter provides Seminole County with all powers of local self-government not inconsistent with the Constitution and laws of Florida, and,

WHEREAS, passage of this Resolution will allow the residents of Seminole County to adopt or reject the Amendment proposed herein at a special election in conjunction with the general election to be held on November 7, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE 2005-2006 CHARTER REVIEW COMMISSION OF SEMINOLE COUNTY, FLORIDA, that:

Section 1 – Adoption of Amendments:

Subject to the approval of the electors at a special election to be held in conjunction with the general election on November 7, 2006, as required by the Constitution, Laws of Florida and Section 4.2(B) of the Seminole County Home Rule Charter, the Seminole County Home Rule Charter is amended at Article II to read:

Section 2.2(C) Salaries and Other Compensation

~~Salaries and other compensation of the County Commissioners shall be set by County Ordinance and shall be the same as those set by general law for the County commissioners of non-charter counties.~~ Salaries and other compensation of the County Commissioners shall be set by county ordinance, approved at a public hearing, all in accordance with general law and the State Constitution. Any increases in said salaries shall not exceed the percentage change in the U.S. Consumer Price Index for Urban Wage Earners and Clerical Workers Revised during the preceding calendar year ending December 31st in the U.S. Consumer Price Index for Urban Wage Earners and Clerical Workers Revised, during the previous calendar year. Any salary increase shall be effective on the first day of January in the year following adoption of the increase.

Section 2 – Referendum:

On November 7, 2006, a special election shall be held in accordance with the requirements of the Constitution and Laws of Florida, and Section 4.2(B)(5) Seminole County Home Rule Charter in conjunction with the general election. The ballot pertaining to this proposed Charter Amendment shall read as follows:

Ballot language to be added.

Section 3 – Effective Date:

If approved by a majority of electors voting on the matter, this Charter Amendment shall become effective on November 7, 2006, and shall be incorporated into the Charter with any necessary renumbering or re-lettering of its provisions.

Section 4 – Submission to the Board of County Commissioners of Seminole County, Florida:

This Resolution and proposed amendment shall be delivered to the Board of County Commissioners of Seminole County, Florida, in accordance with Section 4.2(B)(5), Seminole County Home Rule Charter, for placement on the general election ballot to be held November 7, 2006.

APPROVED AND ADOPTED by the Seminole County Charter Review Commission on this _____ day of _____, 2006.

By: Ben Tucker
Chairman, Seminole County
Charter Review Commission

RESOLUTION NO. 2

A RESOLUTION OF THE 2005-2006 CHARTER REVIEW COMMISSION OF SEMINOLE COUNTY, FLORIDA, PROPOSING AMENDMENT OF ARTICLE V OF THE SEMINOLE COUNTY HOME RULE CHARTER TO INCLUDE PROVISIONS WHICH PROHIBIT: (1) CERTAIN LOBBYING BY SEMINOLE COUNTY COMMISSIONERS; (2) BIDDING BY THE SEMINOLE COUNTY **TAX COLLECTOR OR HIS OR HER EMPLOYEES (OR THEIR RELATIVES) ON TAX CERTIFICATE SALES; AND (3) CERTAIN OFFICIALS AND THEIR EMPLOYEES FROM ACCEPTING COMPENSATION FOR WORKING IN OTHER'S ELECTION CAMPAIGNS; AND WHICH PROVIDE FOR DEFINITIONS; FOR ENFORCEMENT; FOR MAKING CONFORMING CHANGES IN THE CHARTER TO ADDRESS COVERAGE OF THE CONSTITUTIONAL OFFICERS; FOR A REFERENDUM; FOR AN EFFECTIVE DATE; AND FOR SUBMISSION TO THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA.**

WHEREAS, Section 4.2(B), Seminole County Home Rule Charter provides that a Charter Review Commission periodically shall review the Charter, and propose amendments which may be advisable for placement on the general election ballot for voter approval, and

WHEREAS, hearings have been held to inform the public and receive suggestions regarding this and other amendments proposed to be made to the Seminole County Home Rule Charter; and

WHEREAS, the Seminole County Home Rule Charter provides Seminole County with all powers of local self-government not inconsistent with the Constitution and laws of Florida, and,

WHEREAS, passage of this Resolution will allow the residents of Seminole County to adopt or reject the Amendment proposed herein at a special election in conjunction with the general election to be held on November 7, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE 2005-2006 CHARTER REVIEW COMMISSION OF SEMINOLE COUNTY, FLORIDA, that:

Section 1 – Adoption of Amendments:

Subject to the approval of the electors at a special election to be held in conjunction with the general election on November 7, 2006, as required by the Constitution, Laws of Florida and Section 4.2(B) of the Seminole County Home Rule Charter, the Seminole County Home Rule Charter is amended at in Articles II, III and V to read:

Article II. Organization of County Government

Section 2.2(E) Administrative Code

The Board of County Commissioners shall adopt an Administrative Code in accordance with general law within twelve (12) months of the effective date of this Charter.

- (1) The Administrative Code shall organize the administration of county government and set forth the duties and responsibilities and powers of all county officials and agencies.
- (2) Except as specifically provided elsewhere in this Charter, the Administrative Code shall not apply to the elected Constitutional Officers.

...

Article III. Elected County Constitutional Offices

Section 3.1 Elected County Constitutional Offices

The offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as elected constitutional offices and the powers, duties and functions shall not be altered by this Home Rule Charter only to the extent specially provided in this Charter. ~~Except as otherwise provided in this Charter~~ The Constitutional officers shall perform their executive and administrative functions as specified by

general law, the State Constitution and in accordance with any specific provisions set forth in this Charter.

Article V Miscellaneous Provisions

Section 1.3 Conduct of Certain Officials and Employees

- A. Ordinance Requirements: On or before January 8, 2008, the Board of County Commissioners of Seminole County, shall, by ordinance (the "Ordinance"), establish an enhanced code of conduct for the Seminole County Board of County Commissioners and the Property Appraiser, Tax Collector, Clerk of the Circuit Court, Sheriff, and Supervisor of Elections (hereinafter collectively referred to as "Officials") and certain employees thereof, which shall be supplemental to, but may not diminish the provisions of general law, and which shall include, as a minimum, the following provisions:
- B. Prohibitions
1. No County Commissioner shall, during the term of his or her office, accept compensation from a person or entity, other than Seminole County, personally to communicate with an elected official of any municipality in Seminole County in order to influence any future action of that official in his or her government capacity.
 2. Neither the Tax Collector of Seminole County, nor any employee of the Tax Collector's office, nor any Relative of any such persons (as "Relative" is defined, in Florida Statutes, Chapter 112-112.3134 as amended) shall be permitted directly or indirectly to bid on any Seminole County tax certificate sales. [subject to change re: "Relative"]
 3. No employee of an Official, and no employee of Seminole County government shall render services for compensation in order to aid in the election of any person who is running for election or re-election as an Official [subject to change].
- C. Enforcement: In addition to other enforcement measures available by general law, the ordinance may include provisions establishing an ethics board to hear and determine charges, and prescribing penalties within the limits outlined by law. shall require that the If the Board of County Commissioners deems violation of any of said provisions to be a criminal violation, it will provide for criminal penalties in said ordinance and immediately following the effective date of this Charter provision: (1) shall enter into negotiations to reimburse the State Attorney of the Eighteenth Judicial Circuit or other prosecuting attorney for costs to be associated with prosecution of violations of the foregoing any such provisions. in accordance with Chapter 27 of the Florida Statutes, upon terms acceptable

~~to the State Attorney or other such prosecuting attorney. and (2) The Board of County Commissioners shall also make preparations to also fund any necessary investigation costs and other enforcement costs associated with the Ordinance.~~

Section 2 – Referendum:

On November 7, 2006, a special election shall be held in accordance with the requirements of the Constitution and Laws of Florida, and Section 4.2(B)(5) Seminole County Home Rule Charter in conjunction with the general election. The ballot pertaining to this proposed Charter Amendment shall read as follows:

Ballot language to be added.

Section 3 – Effective Date:

If approved by a majority of electors voting on the matter, this Charter Amendment shall become effective on November 7, 2006, and shall be incorporated into the Charter with any necessary renumbering or re-lettering of its provisions.

Section 4 – Submission to the Board of County Commissioners of Seminole County, Florida:

This Resolution and proposed amendment shall be delivered to the Board of County Commissioners of Seminole County, Florida, in accordance with Section 4.2(B)(5), Seminole County Home Rule Charter, for placement on the general election ballot to be held November 7, 2006.

APPROVED AND ADOPTED by the Seminole County Charter Review Commission on this _____ day of _____, 2006.

By: Ben Tucker
Chairman, Seminole County
Charter Review Commission

RESOLUTION NO. 3

A RESOLUTION OF THE 2005-2006 CHARTER REVIEW COMMISSION OF SEMINOLE COUNTY, FLORIDA, PROPOSING AMENDMENT OF ARTICLE V OF THE SEMINOLE COUNTY HOME RULE CHARTER TO (1) ADD NEW PROVISIONS (1) PROHIBIT CERTAIN GIFTS TO OFFICIALS (OR ANY OF THEIR RELATIVES); (2) TO PROHIBIT ATTEMPTS BY OFFICIALS TO INFLUENCE ACTIONS COMING BEFORE THEIR AGENCY WHICH COULD RESULT IN PRIVATE GAIN TO THE OFFICIALS OR THEIR RELATIVES AND PROVIDING FOR ENFORCEMENT; FOR DEFINITIONS; FOR EXCEPTIONS; FOR MAKING CONFORMING CHANGES IN THE CHARTER TO ADDRESS COVERAGE OF THE CONSTITUTIONAL OFFICERS WITH RESPECT TO THE ETHICS PROVISIONS; FOR A REFERENDUM; FOR AN EFFECTIVE DATE; AND FOR SUBMISSION TO THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA.

WHEREAS, Section 4.2(B), Seminole County Home Rule Charter provides that a Charter Review Commission periodically shall review the Charter, and propose amendments which may be advisable for placement on the general election ballot for voter approval, and

WHEREAS, hearings have been held to inform the public and receive suggestions regarding this and other amendments proposed to be made to the Seminole County Home Rule Charter; and

WHEREAS, the Seminole County Home Rule Charter provides Seminole County with all powers of local self-government not inconsistent with the Constitution and laws of Florida, and,

WHEREAS, passage of this Resolution will allow the residents of Seminole County to adopt or reject the Amendment proposed herein at a special election in conjunction with the general election to be held on November 7, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE 2005-2006 CHARTER REVIEW COMMISSION OF SEMINOLE COUNTY, FLORIDA, that:

Section 1 – Adoption of Amendments:

Subject to the approval of the electors at a special election to be held in conjunction with the general election on November 7, 2006, as required by the Constitution, Laws of Florida and Section 4.2(B) of the Seminole County Home Rule Charter, the Seminole County Home Rule Charter is amended at Articles II, III and V to read:

Article II. Organization of County Government

Section 2.2(E) Administrative Code

The Board of County Commissioners shall adopt an Administrative Code in accordance with general law within twelve (12) months of the effective date of this Charter.

- (1) The Administrative Code shall organize the administration of county government and set forth the duties and responsibilities and powers of all county officials and agencies.
- (2) Except as specifically provided elsewhere in this Charter, the Administrative Code shall not apply to the elected Constitutional Officers.

...

Article III. Elected County Constitutional Offices

Section 3.1 Elected County Constitutional Offices

The offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as elected constitutional offices and the powers, duties and functions shall ~~not~~ be altered by this Home Rule Charter only to the extent specially provided in this Charter. ~~Except as otherwise provided in this Charter~~ The Constitutional officers shall perform their executive and administrative functions as specified by

general law, the State Constitution and in accordance with any specific provisions set forth in this Charter.

Article V Miscellaneous Provisions

Section 1.4 Conduct of Certain Officials their Employees, and Others Regarding Gifts and Conflicts of Interest

- A. Ordinance Requirements: On or before January 8, 2008, the Board of County Commissioners of Seminole County, shall, by ordinance (the "Ordinance"), established a code of conduct for the Seminole County Board of County Commissioners and the Property Appraiser, Tax Collector, Clerk of the Circuit Court, Sheriff, and Supervisor of Elections (hereinafter collectively referred to as "Officials") and certain employees thereof, which shall be supplemental to, but may not diminish the provisions of general law, and which shall include at a minimum the following provisions:
- B. No person shall make a gift to an Official or a "Relative" of an Official, (as "Relative" is defined by Florida Statutes, Chapter 112 112.3134, as amended), nor shall any Official or Relative accept a gift, which is intended to influence the outcome of any matter that may be pending before said Official, or is otherwise given with the expectation of favorable treatment from the Official in his or her governmental capacity with respect to any matter. Such exceptions as deemed reasonable and necessary may be included in the Ordinance.
- C. No Official shall attempt to influence in any way the outcome of any matter coming before his or her agency which, if approved, would inure to the personal benefit of the Official or his or her Relative.
- B. D. Enforcement: In addition to other enforcement measures available by general law, the ordinance may include provisions establishing an ethics board to hear and determine charges, and prescribing penalties within the limits outlined by law. shall require that the If the Board of County Commissioners deems violation of any of said provisions to be a criminal violation, it will provide for criminal penalties in said ordinance and immediately following the effective date of this Charter provision: (1) shall enter into negotiations to reimburse the State Attorney of the Eighteenth Judicial Circuit or other prosecuting attorney for costs to be associated with prosecution of violations of the foregoing any such provisions. in accordance with Chapter 27 of the Florida Statutes, upon terms acceptable to the State Attorney or other such prosecuting attorney. and (2) The Board of County Commissioners shall also make preparations to also fund any necessary investigation costs and other enforcement costs associated with the Ordinance.

Section 2 – Referendum:

On November 7, 2006, a special election shall be held in accordance with the requirements of the Constitution and Laws of Florida, and Section 4.2(B)(5) Seminole County Home Rule Charter in conjunction with the general election. The ballot pertaining to this proposed Charter Amendment shall read as follows:

Ballot language to be added.

Section 3 – Effective Date:

If approved by a majority of electors voting on the matter, this Charter Amendment shall become effective on November 7, 2006, and shall be incorporated into the Charter with any necessary renumbering or re-lettering of its provisions.

Section 4 – Submission to the Board of County Commissioners of Seminole County, Florida:

This Resolution and proposed amendment shall be delivered to the Board of County Commissioners of Seminole County, Florida, in accordance with Section 4.2(B)(5), Seminole County Home Rule Charter, for placement on the general election ballot to be held November 7, 2006.

APPROVED AND ADOPTED by the Seminole County Charter Review Commission on this _____ day of _____, 2006.

By: Ben Tucker
Chairman, Seminole County
Charter Review Commission

F.S. 2005

ried; endeavors to induce any elector to show how he or she voted; aids or attempts to aid any elector unlawfully; or prints or procures to be printed, or has in his or her possession, any copies of any ballot prepared to be voted is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 55, ch. 4328, 1895; s. 2, ch. 4536, 1897; GS 3835; RGS 5897; CGL 6161; s. 8, ch. 26870, 1951; s. 40, ch. 71-136; s. 35, ch. 77-175; s. 623, ch. 95-147; s. 19, ch. 2002-281.

Note.—Former s. 99.34.

104.21 Changing electors' ballots.—Whoever fraudulently changes or attempts to change the vote or ballot of any elector, by which actions such elector is prevented from voting such ballot or from voting such ballot as the elector intended, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 8, ch. 26870, 1951; s. 10, ch. 65-379; s. 41, ch. 71-136; s. 35, ch. 77-175; s. 624, ch. 95-147.

104.22 Stealing and destroying records, etc., of election.—Any person who is guilty of stealing, willfully and wrongfully breaking, destroying, mutilating, defacing, or unlawfully moving or securing and detaining the whole or any part of any ballot box or any record tally sheet or copy thereof, returns, or any other paper or document provided for, or who fraudulently makes any entry or alteration therein except as provided by law, or who permits any other person so to do, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 8, ch. 26870, 1951; s. 11, ch. 65-379; s. 42, ch. 71-136; s. 35, ch. 77-175.

104.23 Disclosing how elector votes.—Any election official or person assisting any elector who willfully discloses how any elector voted, except upon trial in court, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 8, ch. 26870, 1951; s. 12, ch. 65-379; s. 43, ch. 71-136; s. 35, ch. 77-175.

104.24 Penalty for assuming name.—A person may not, in connection with any part of the election process, fraudulently call himself or herself, or fraudulently pass by, any other name than the name by which the person is registered or fraudulently use the name of another in voting. Any person who violates this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 57, ch. 6469, 1913; RGS 360, 5913; CGL 417, 8177; s. 4, ch. 22014, 1943; s. 1, ch. 25385, 1949; s. 8, ch. 26870, 1951; s. 13, ch. 65-379; s. 44, ch. 71-136; s. 35, ch. 77-175; s. 625, ch. 95-147; s. 31, ch. 98-129.

Note.—Former ss. 101.14, 102.33.

104.26 Penalty for destroying ballot or booth, etc.—Any person who wrongfully, during or before an election, removes, tears down, destroys, or defaces any ballot, booth, compartment, or other convenience provided for the purpose of enabling the elector to prepare his or her ballot, or any card for the instruction of the voter, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 8, ch. 26870, 1951; s. 46, ch. 71-136; s. 35, ch. 77-175; s. 626, ch. 95-147.

104.271 False or malicious charges against, or false statements about, opposing candidates; penalty.—

(1) Any candidate who, in a primary election or other election, willfully charges an opposing candidate participating in such election with a violation of any provision of this code, which charge is known by the candidate making such charge to be false or malicious, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083 and, in addition, after conviction shall be disqualified to hold office.

(2) Any candidate who, in a primary election or other election, with actual malice makes or causes to be made any statement about an opposing candidate which is false is guilty of a violation of this code. An aggrieved candidate may file a complaint with the Florida Elections Commission pursuant to s. 106.25. The commission shall adopt rules to provide an expedited hearing of complaints filed under this subsection. Notwithstanding any other provision of law, the commission shall assess a civil penalty of up to \$5,000 against any candidate found in violation of this subsection, which shall be deposited to the account of the General Revenue Fund of the state.

History.—s. 44, ch. 28156, 1953; s. 48, ch. 71-136; s. 27, ch. 77-104; s. 35, ch. 77-175; s. 1, ch. 85-210; s. 627, ch. 95-147; s. 44, ch. 97-13.

104.29 Inspectors refusing to allow watchers while ballots are counted.—The inspectors or other election officials shall, at all times while the ballots are being counted, allow as many as three persons near to them to see whether the ballots are being correctly read and called and the votes correctly tallied, and any official who denies this privilege or interferes therewith is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 8, ch. 26870, 1951; s. 51, ch. 71-136; s. 35, ch. 77-175; s. 53, ch. 79-400.

104.30 Voting system; unlawful possession; tampering.—

(1) Any unauthorized person who unlawfully has possession of any voting system, components, or key thereof is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who tampers or attempts to tamper with or destroy any voting system or equipment with the intention of interfering with the election process or the results thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 26, ch. 13893, 1929; CGL 1936 Supp. 9202(1); s. 8, ch. 26870, 1951; s. 17, ch. 65-379; s. 52, ch. 71-136; s. 35, ch. 77-175; s. 29, ch. 2001-40.

Note.—Former s. 100.28.

104.31 Political activities of state, county, and municipal officers and employees.—

(1) No officer or employee of the state, or of any county or municipality thereof, except as hereinafter exempted from provisions hereof, shall:

(a) Use his or her official authority or influence for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof.

(b) Directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute any part of his or her salary, or any money, or anything else of value to any party, committee, organization, agency, or person for political purposes. Nothing in this paragraph or in any county or municipal charter or ordinance shall prohibit an employee from suggesting to another employee in a noncoercive manner that he or she may voluntarily contribute to a fund which is administered by a party, committee, organization, agency, person, labor union or other employee organization for political purposes.

(c) Directly or indirectly coerce or attempt to coerce, command, and advise any such officer or employee as to where he or she might purchase commodities or to interfere in any other way with the personal right of said officer or employee.

The provisions of this section shall not be construed so as to prevent any person from becoming a candidate for and actively campaigning for any elective office in this state. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. The provisions of paragraph (a) shall not be construed so as to limit the political activity in a general, special, primary, bond, referendum, or other election of any kind or nature, of elected officials or candidates for public office in the state or of any county or municipality thereof; and the provisions of paragraph (a) shall not be construed so as to limit the political activity in general or special elections of the officials appointed as the heads or directors of state administrative agencies, boards, commissions, or committees or of the members of state boards, commissions, or committees, whether they be salaried, nonsalaried, or reimbursed for expense. In the event of a dual capacity of any member of a state board, commission, or committee, any restrictive provisions applicable to either capacity shall apply. The provisions of paragraph (a) shall not be construed so as to limit the political activity in a general, special, primary, bond, referendum, or other election of any kind or nature of the Governor, the elected members of the Governor's Cabinet, or the members of the Legislature. The provisions of paragraphs (b) and (c) shall apply to all officers and employees of the state or of any county or municipality thereof, whether elected, appointed, or otherwise employed, or whether the activity shall be in connection with a primary, general, special, bond, referendum, or other election of any kind or nature.

(2) Any person violating the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Nothing contained in this section or in any county or municipal charter shall be deemed to prohibit any public employee from expressing his or her opinions on any candidate or issue or from participating in any political campaign during the employee's off-duty hours, so long as such activities are not in conflict with the provisions of subsection (1) or s. 110.233.

History.—s. 8, ch. 26670, 1951; s. 7, ch. 29615, 1955; s. 3, ch. 29936, 1955; s. 1, ch. 59-208, s. 16, ch. 65-379; s. 53, ch. 71-136; ss. 1, 2, ch. 74-13; s. 1, ch. 75-261; s. 30, ch. 79-190; s. 1, ch. 80-207; s. 628, ch. 95-147.

104.32 Supervisor of elections; delivery of books to successor.—Any supervisor of elections who willfully fails or refuses promptly to comply with the demand of his or her successor for the delivery of registration books, papers, and blanks connected with his or her office is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 6, ch. 3879, 1889; RS 2779; s. 9, ch. 4328, 1895; GS 3820; FGS 5881; CGL 8144; s. 8, ch. 26870, 1951; s. 2, ch. 65-60; s. 54, ch. 71-136; s. 35, ch. 77-175; s. 629, ch. 95-147.

Note.—Former s. 98.21.

104.39 Witnesses as to violations.—Any person who violates any provision of this code shall be a competent witness against any other person so violating and may be compelled to attend and testify as any other person. The testimony given shall not be used in any prosecution or criminal proceeding against the person so testifying, except in a prosecution for perjury.

History.—s. 8, ch. 26870, 1951; s. 35, ch. 77-175.

104.41 Violations not otherwise provided for.—Any violation of this code not otherwise provided for is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 8, ch. 26870, 1951; s. 61, ch. 71-136; s. 35, ch. 77-175.

104.42 Fraudulent registration and illegal voting; investigation.—

(1) The supervisor of elections is authorized to investigate fraudulent registrations and illegal voting and to report his or her findings to the local state attorney and the Florida Elections Commission.

(2) The board of county commissioners in any county may appropriate funds to the supervisor of elections for the purpose of investigating fraudulent registrations and illegal voting.

History.—ss. 12, 14, ch. 17899, 1937; CGL 1940 Supp. 369(4); s. 8, ch. 26870, 1951; s. 35, ch. 77-175; s. 32, ch. 98-129.

Note.—Former s. 100.40.

104.43 Grand juries; special investigation.—The grand jury in any circuit shall, upon the request of any candidate or qualified voter, make a special investigation when it convenes during a campaign preceding any election day to determine whether there is any violation of the provisions of this code, and shall return indictments when sufficient ground is found.

History.—s. 6, ch. 26870, 1951; s. 35, ch. 77-175.

EMPLOYEES, RECORDS Title 9

suit of administrative remedy no avail, there is no adequate relief, and one is not required to sue for relief before seeking temporary relief; where continuance of administrative proceedings, and plaintiff's right to sue, are matters of grace, it cannot be said that plaintiff has adequate remedy so as to require granting of temporary injunction. *State, Dept. of Health and Rehabilitative Services v. Artis*, App. 4 Dist., 345 So.2d 1109 (1977).

denial of loss of income, without adequate relief to establish irreparable injury, is not sufficient to warrant granting of temporary injunction. *State, Dept. of Health and Rehabilitative Services v. Artis*, App. 4 Dist., 345 So.2d 1109 (1977).

denial of loss of income, without adequate relief to establish irreparable injury, is not sufficient to warrant granting of temporary injunction. *State, Dept. of Health and Rehabilitative Services v. Artis*, App. 4 Dist., 345 So.2d 1109 (1977).

Sanctions

Dismissal may be proper ground for suspension or a dismissal of employee in the career service, this section and rules at these are mutually exclusive alternatives. *State, Dept. of Health and Rehabilitative Services v. Artis*, App. 4 Dist., 345 So.2d 1109 (1977).

Improper suspension or discharge

Employee Relations Commission v. Artis, App. 4 Dist., 345 So.2d 1109 (1977).

Attorney fees

Attorney fees incurred by career service employee in connection with hearing before an agency

STATE EMPLOYMENT Ch. 110

head were not reimbursable under subsec. (3) of former § 110.061 (sec. now, this section); only the career service commission could award legal costs to state career service employees and only if incurred during the prosecution of an appeal against a state agency conducted before the commission. *Op. Atty. Gen.*, 077-37, March 31, 1977.

24. Review

Employee of Department of Corrections could not appeal demotion either as a probationary or a permanent employee, since as a probationary employee, such appeal was precluded by rule of the administrative code, and if a permanent employee, employee had to submit written statement challenging denial of administrative appeal by Career Service Commission on jurisdictional grounds within 20 days from receipt of notice, which he failed to do, thereby forfeiting any right to further review. *Brothers v. Florida Dept. of Corrections*, App. 3 Dist., 474 So.2d 1239 (1985).

So long as penalty imposed upon public employee is within the limits allowed by law, court has no authority to review that penalty. *Woodworth v. Department of Ed., Office of Blind Services*, App. 4 Dist., 369 So.2d 1040 (1979).

Although abandonment of job by employee in the state career service is not appealable, a dismissal is an appealable action. *Board of Regents, for and on Behalf of University of Florida, Dept. of Educ., Division of Universities v. Heuer*, App. 1 Dist., 332 So.2d 626 (1976).

Although abandonment of job by employee in the state career service is not appealable, a dismissal is an appealable action. *Board of Regents, for and on Behalf of University of Florida, Dept. of Educ., Division of Universities v. Heuer*, App. 1 Dist., 332 So.2d 626 (1976).

110.233. Political activities and unlawful acts prohibited

(1) No person shall be appointed to, demoted, or dismissed from any position in the career service, or in any way favored or discriminated against with respect to employment in the career service, because of race, color, national origin, sex, handicap, religious creed, or political opinion or affiliation.

(2) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the career service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person or for any consideration; however, letters of inquiry, recommendations, and references by public employees or public officials shall not be considered political pressure unless any such letter contains a threat, intimidation, or irrelevant, derogatory, or false information. For the purposes of this section, the term "political pressure," in addition to any appropriate meaning which may be ascribed thereto by lawful authority, includes the use of official authority or influence in any manner prohibited by this chapter.

(3) No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the career service. The provisions of this subsection do not apply to a private employment agency licensed pursuant to the provisions of chapter 449¹ when the services of such private employment agency are requested by a state agency, board, department, or commission and neither the state nor any political subdivision pays the private employment agency for such services.

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the state and the Constitution and laws of the United States. However, no employee in the career service shall:

§ 110.233

PUBLIC OFFICERS, EMPLOYEES, RECORDS

Title 9

(a) Hold, or be a candidate for, public office while in the employment of the state or take any active part in a political campaign while on duty or within any period of time during which the employee is expected to perform services for which he or she receives compensation from the state. However, when authorized by his or her agency head and approved by the department as involving no interest which conflicts or activity which interferes with his or her state employment, an employee in the career service may be a candidate for or hold local public office. The department shall prepare and make available to all affected personnel who make such request a definite set of rules and procedures consistent with the provisions herein.

(b) Use the authority of his or her position to secure support for, or oppose, any candidate, party, or issue in a partisan election or affect the results thereof.

(5) No state employee or official shall use any promise of reward or threat of loss to encourage or coerce any employee to support or contribute to any political issue, candidate, or party.

(6) The department shall adopt by rule procedures for Career Service System employees that require disclosure to the agency head of any application for or offer of employment, gift, contractual relationship, or financial interest with any individual, partnership, association, corporation, utility, or other organization, whether public or private, doing business with or subject to regulation by the agency.

Amended by Laws 1995, c. 95-147, § 668, eff. July 10, 1995; Laws 2001, c. 2001-43, § 23, eff. May 14, 2001.

¹ The provisions comprising chapter 449 were repealed by ch. 81-170.

Historical and Statutory Notes

Derivation:

Laws 1992, c. 92-279, § 34.
Laws 1989, c. 89-277, § 5.
Laws 1984, c. 84-125, § 1.
Laws 1980, c. 80-207, § 2.
Laws 1979, c. 79-190, § 21.

Laws 1992, c. 92-326, § 55, amended § 339 of Laws 1992, c. 92-279, by changing the general effective date of the act from Jan. 1, 1993, to July 1, 1992 (§§ 322 to 325 and 339 took effect upon the act becoming a law).

Cross References

Political activities of state, county, and municipal officers and employees, see § 104.31.

Political party executive committee, membership of government officers and employees, see § 112.046.

American Law Reports

Discharge from employment on ground of political views or conduct as affecting right to unemployment compensation, 29 ALR4th 287.

Validity, construction, and effect of state statutes restricting political activities of public officers or employees, 51 ALR4th 702.

Discipline or discharge for sexual conduct as violative of state fair employment laws, 47 ALR4th 863.

Dismissal of, or other adverse personnel action relating to, public employee for political par-

tronsage reasons as violative of First Amendment, 70 ALR Fed 371.

Validity of statutes restricting political activities of public officers or employees, 28 ALR3d 717.

Prohibiting public employee from running for elective office as violation of employee's federal constitutional rights, 44 ALR Fed 306.

What acts amount to violation of Hatch Act (5 USC secs. 1501-1503) prohibiting political activity of certain state and local employees, 8 ALR Fed 343.

STATE EMPLOYMENT Ch. 110

Civil Rights ⇨146.
Elections ⇨311.2.
Officers and Public Employee
WESTLAW Topic Nos. 78, 1
C.J.S. Civil Rights §§ 143-1
C.J.S. Elections §§ 334(1), 3
C.J.S. Officers and Public
§§ 20-21, 25-26, 34, 204.

See WESTLAW Electron

In general 2
Candidacy 4
Compensation 5
Municipal employees 3
Resign-to-run rules and regula
Rules and regulations 6, 7
In general 6
Resign-to-run rules and re
Validity 1

1. Validity

This section which authorizes administration to make rules governing and holding of public officers and employees, and which provided it was to be granted or withheld whether employee's campaign public office involved "interests or activity which interferes with employment, sufficiently guide administration and employing agency in determining whether to authorize and thus, did not unconstitutionally deprive legislative authority without authority for its exercise. Department of Personnel, App. 1 Dist., 424 So.2d 85.

2. In general

State employees within the system may not under the provisions of this section, run for or hold office of a county or state executive political party. Op. Atty. Gen. 17, 1980.

3. Municipal employees

Section 104.312 allowing employee to participate in a political party during off-duty hours was not in violation of the constitutional provision of municipal employees from becoming casual office. *Resedean v. Civil Service Commission*, App. 1 Dist., (1976).

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075-47—I examined a number of issues
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075-195—July 8, 1975

MUNICIPAL HOME RULE POWERS ACT

REGULATION OF POLITICAL ACTIVITIES OF MUNICIPAL EMPLOYEES AND OFFICERS PREEMPTED TO STATE

To: Gerald R. McClelland, City Attorney, Largo

Prepared by: Michael M. Parrish, Assistant Attorney General

QUESTIONS:

1. Does Ch. 74-13, Laws of Florida, which amends s. 104.31, F. S., have the effect of preempting or prohibiting the exercise of municipal legislative power to regulate the subject matter of political activities of municipal employees?
2. If question 1 is answered in the affirmative, does such preemption or prohibition extend to the regulation of political activities of elected municipal officials who receive a monthly compensation?
3. Are the provisions of s. 9.02(A)(4) of the new charter of the City of Largo violative of the United States Constitution?

SUMMARY:

Unless and until otherwise clarified by judicial or legislative action, the amendment of s. 104.31, F. S., effected by Ch. 74-13, Laws of Florida, should be regarded as an express legislative prohibition or preemption of municipal regulation of the political activities of all municipal officers and employees and as an impediment to the exercise of municipal legislative power to regulate such activities.

AS TO QUESTION 1:

Section 166.021(1), F. S., of the Municipal Home Rule Powers Act provides in pertinent part that municipalities "may exercise any power for municipal purposes, except when expressly prohibited by law." See *City of Miami Beach v. Forté Towers, Inc.*, 305 So.2d 764 (Fla. 1974), upholding the constitutionality of s. 166.021, *supra*. A further limitation on the exercise of municipal legislative power is found at s. 166.021(3)(c), which excepts from such power "[a]ny subject expressly preempted to state or county government by the constitution or by general law. . . ." Since it seems clear that the regulation of the political activities of municipal employees is a "municipal purpose," the question to be resolved is whether such regulation is expressly prohibited by law or has been expressly preempted to state or county government. The courts have yet to establish much in the way of general rules for application in the construction to be given to the Municipal Home Rule Powers Act, Ch. 166, F. S. Accordingly, until such time as we are favored with judicial clarification, questions of this nature will have to be resolved on a case-by-case basis.

As you are aware, s. 104.31, F. S.—Florida's "Little Hatch Act"—regulates the political activity of all public officers and employees in the state. The purpose of the statute has been described in *State v. Stuler*, 122 So.2d 1 (Fla. 1960), at p. 3:

The obvious objective to be accomplished by statutes of the type under consideration is to preserve the political purity of public employment and to protect public employees against harassment and political annoyances as conditions to holding their jobs. Likewise public employees are thereby shielded against pressures or annoying solicitations for political contributions in order to curry favor with some elected official charged with the supervision of the particular employees.

Accord: Attorney General Opinion 072-62, which discusses at length the application of the statute prior to its 1974 amendment.

Chapter 74-13, Laws of Florida, creates a new subsection (3) of s. 104.31, F. S., which provides:

Nothing contained in this section or in any county or municipal charter shall be deemed to prohibit any public employee from expressing his opinions on any candidate or issue or from participating in any political campaign during his off-duty hours so long as such activities are not in conflict with the provisions of subsection (1) of this section or of section 110.092.

The language quoted above is an express manifestation of a legislative intent to regulate and make uniform the rights of public employees to participate in the political process and to impose only those limits on such activity as are required by the exigencies of public service. Further, this legislative intent is confirmed by the title to the act, which states, *inter alia*, that it is "to assure freedom of expression and participation in the political process by public employees to the extent compatible with the public welfare. . . ." In these circumstances it seems clear that the legislative intent was to preempt or prohibit municipal regulation of this subject matter; and in my opinion such purpose and intent is of equal force and effect as though the Legislature had employed express language connoting the same legal consequences. *Garner v. Ward*, 251 So.2d 252 (Fla. 1971); *Curry v. Lehman*, 47 So. 18 (Fla. 1908); *Knight & Wall Co. v. Tampa Sand Lime Brick Co.*, 46 So. 285 (Fla. 1908). Accordingly, I am of the view that the subject matter of political activities of municipal employees must be considered as being a subject matter the regulation of which has been either "expressly preempted to state . . . government . . . by general law" within the meaning of s. 166.021(3)(c), F. S., or expressly prohibited by law within the contemplation of s. 166.021(1), F. S. Thus, I am of the opinion that, unless and until further clarified by legislative or judicial action, the amendment of s. 104.31, F. S., effected by Ch. 74-13, *supra*, should be regarded as an impediment to the exercise of municipal legislative power to regulate the subject matter of political activities of municipal employees.

Question 1 is answered accordingly.

AS TO QUESTION 2:

At the inception, it should be noted that the manner in which an elected public officer is compensated has nothing to do with the answer to this question. Section 104.31, F. S., affects all elected public officers regardless of how or when they are compensated, or whether they are compensated or not.

As previously observed in the answer to question 1, above, the limitations on a municipality's exercise of legislative power include subject matters the regulation of which have been expressly prohibited by law or have been expressly preempted to state government by general law. In this instance, the operation and effect of the 1974 amendment to paragraph (d) of subsection (1) of s. 104.31, F. S., seems clear upon examination of the statutory language deleted by the amendment. The deleted phrase reads: "unless, in the case of municipalities, there be provisions in the charters or ordinances thereof which apply to officers, employees or candidates in such municipalities." The deletion of this phrase—which authorized municipalities to enact provisions in conflict with paragraph 104.31(1)(d) with respect to their elected officials and candidates for election to public office—evidences a clear legislative intent to remove the authority of municipalities to regulate the political activities of elected officials or candidates for public office whose political activities are regulated by s. 104.31, F. S. This intent is also manifested in the title to the act, which states, *inter alia*, that it is an act "amending s. 104.31(1)(d), F. S., to remove the authority of municipalities to regulate certain political activities. . . ." I am of the view that, in this instance, a legislative removal of authority is, for all practical purposes, indistinguishable from a legislative prohibition of the exercise of authority. Accordingly, where—as is the case here—there exists a clear manifestation of a legislative intent that certain power not be exercised by municipalities, which manifestation is accompanied by legislative regulation of the prohibited subject matter, it is my opinion that such legislative action should be construed as an express prohibition or preemption of municipal regulation of the subject matter in question. For the foregoing reasons, I am of the view that the amendment of paragraph 104.31(1)(d) accomplished by Ch. 74-13, *supra*, should be viewed as an

impediment to the exercise of municipal legislative power by municipal officers.

AS TO QUESTION 3:

I must beg your indulgence and decline to express an opinion as to the validity of duly enacted legislation under any of its counterparts in the Florida Constitution, but are matters for determination by the courts. However, it might be noted that in the case of *Florida v. Pinellas County* (Fla. 1967), the Supreme Court of Florida, in a decision remarkably similar to the provisions of that case our highest state court affirmed the following:

The decree found . . . [the act] "fundamentally in violation of the First Amendment of the United States Constitution, that employees shall not make, so-called, 'official statements' for the purpose, or 'be in any manner connected with' any political activity, being too broad and vague in its principles applied to similar provisions."

We find these conclusions to be well founded.

Further, the authorities collected and cited in the report on the invalidation of legislative provisions which prohibit the political activities of public employees in a municipal charter were to be submitted to the Florida Supreme Court. It was ruled in *Sterbenz, supra*, that such provisions are void for vagueness.

075-196—July 8, 1975

PINELLAS COUNTY LICE

AUTHORITY TO EXERCISE AUTONOMY FROM CONTROL OF

To: Edwin Blanton, Chairman, Pinellas County Board of Commissioners, Petersburg

Prepared by: Donald D. Conn, Assistant Attorney General

QUESTIONS:

1. Did the Pinellas County Board of Commissioners have authority under Part II, s. 8(8), "grandfather" provisions contained in the act to take effect on January 1, 1975?
2. Is the Pinellas County Board of Commissioners an autonomous regulatory agency under the provisions of the Pinellas County Charter?
3. May funds received by the Board of Construction Licensing Board and expended by the Board of Construction Licensing Board be used for the purposes of the Board?

ich discusses at length the application of the new subsection (3) of s. 104.31, F. S., which

any county or municipal charter shall see from expressing his opinions on any g in any political campaign during his are not in conflict with the provisions tion 110.092.

nifestation of a legislative intent to regulate oves to participate in the political process ivity as are required by the exigencies of t is confirmed by the title to the act, which om of expression and participation in the the extent compatible with the public ms clear that the legislative intent was to this subject matter; and in my opinion such ct as though the Legislature had employed nsequences. *Garner v. Ward*, 251 So.2d 252 . 1908; *Knight & Wall Co. v. Tampa Sand rdingly*, I am of the view that the subject oyes must be considered as being a subject een either "expressly preempted to within the meaning of s. 166.021(3)(c), F. S., temption of s. 166.021(1), F. S. Thus, I am arified by legislative or judicial action, the h. 74-13, *supra*, should be regarded as an lative power to regulate the subject matter

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question 1, above, the limitations on a include subject matters the regulation of or have been expressly preempted to state ce, the operation and effect of the 1974 (1) of s. 104.31, F. S., seems clear upon ed by the amendment. The deleted phrase s, there be provisions in the charters or ers, employees or candidates in such -which authorized municipalities to enact 1)(d) with respect to their elected officials idences a clear legislative intent to remove ie political activities of elected officials or vities are regulated by s. 104.31, F. S. This t, which states, *inter alia*, that it is an act he authority of municipalities to regulate view that, in this instance, a legislative poses, indistinguishable from a legislative rdingly, where—as is the case here—there ent that certain power not be exercised by npanied by legislative regulation of the i that such legislative action should be tion of municipal regulation of the subject , I am of the view that the amendment of 74-13, *supra*, should be viewed as an

impediment to the exercise of municipal regulation of the political activities of elected municipal officers.

AS TO QUESTION 3:

I must beg your indulgence and decline to give an opinion on this question. Questions as to the validity of duly enacted legislation under the United States Constitution or under any of its counterparts in the Florida Constitution cannot be passed upon by this office, but are matters for determination solely by the judicial branch of government. However, it might be noted that in the case of *City of Miami v. Sterbenz*, 203 So.2d 4 (Fla. 1967), the Supreme Court of Florida had before it a charter provision and ordinance remarkably similar to the provisions of s. 9.02(a)(4) of the new City of Largo charter. In that case our highest state court affirmed a trial court decree which they described as follows:

The decree found... [the charter provision and ordinance] to be "fundamentally in violation of the free speech and related rights guaranteed by the First Amendment of the United States Constitution." The first provision, that employees shall not make, solicit or receive contributions for any political purpose, or "be in any manner concerned" with such activity, was held to be invalid for ambiguity, being too broad and vague to be sustained under principles applied to similar provisions in other jurisdictions.

We find these conclusions to be well supported by both reason and precedent.

Further, the authorities collected in AGO 072-62 show a trend towards judicial invalidation of legislative provisions which sweep too broadly in their efforts to regulate the political activities of public employees. Thus, if s. 9.02(a)(4) of the new City of Largo charter were to be submitted to the Florida courts, the courts might well conclude, as was ruled in *Sterbenz, supra*, that such provisions are invalid for overbreadth and vagueness.

075-196—July 8, 1975

PINELLAS COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD

AUTHORITY TO EXTEND GRANDFATHER PROVISIONS: AUTONOMY FROM COUNTY COMMISSION; CONTROL OVER FUNDS RECEIVED

To: Edwin Blanton, Chairman, Pinellas County Construction Licensing Board, St. Petersburg

Prepared by: Donald D. Conn, Assistant Attorney General

QUESTIONS:

1. Did the Pinellas County Construction Licensing Board have the authority under Part II, s. 8(8), Ch. 73-595, Laws of Florida, to extend the "grandfather" provisions concerning certification beyond the 180-day period after the act took effect?
2. Is the Pinellas County Construction Licensing Board an autonomous regulatory agency independent from the Board of County Commissioners of Pinellas County?
3. May funds received and expended by the Pinellas County Construction Licensing Board be handled separately from funds received and expended by the Board of County Commissioners of Pinellas County?

2. The officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

(13) COUNTY AND MUNICIPAL ORDINANCES AND SPECIAL DISTRICT AND SCHOOL DISTRICT RESOLUTIONS REGULATING FORMER OFFICERS OR EMPLOYEES.—The governing body of any county or municipality may adopt an ordinance and the governing body of any special district or school district may adopt a resolution providing that an appointed county, municipal, special district, or school district officer or a county, municipal, special district, or school district employee may not personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of 2 years following vacation of office or termination of employment, except for the purposes of collective bargaining. Nothing in this section may be construed to prohibit such ordinance or resolution.

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A person who has been elected to any county, municipal, special district, or school district office may not personally represent another person or entity for compensation before the governing body of which the person was an officer for a period of 2 years after vacating that office.

(15) ADDITIONAL EXEMPTION.—No elected public officer shall be held in violation of subsection (7) if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with the officer's agency and:

(a) The officer's employment is not directly or indirectly compensated as a result of such contract or business relationship;

(b) The officer has in no way participated in the agency's decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with officers or employees of the agency, or otherwise; and

(c) The officer abstains from voting on any matter which may come before the agency involving the officer's employer, publicly states to the assembly the nature of the officer's interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s. 112.3143.

(16) LOCAL GOVERNMENT ATTORNEYS.—

(a) For the purposes of this section, "local government attorney" means any individual who routinely serves as the attorney for a unit of local government. The term shall not include any person who renders legal services to a unit of local government pursuant to contract limited to a specific issue or subject, to specific litigation, or to a specific administrative proceeding. For the purposes of this section, "unit of local government" includes, but is not limited to, municipalities, counties, and special districts.

(b) It shall not constitute a violation of subsection (3) or subsection (7) for a unit of local government to contract with a law firm, operating as either a partner-

ship or a professional association, or in any combination thereof, or with a local government attorney who is a member of or is otherwise associated with the law firm, to provide any or all legal services to the unit of local government, so long as the local government attorney is not a full-time employee or member of the governing body of the unit of local government. However, the standards of conduct as provided in subsections (2), (4), (5), (6), and (8) shall apply to any person who serves as a local government attorney.

(c) No local government attorney or law firm in which the local government attorney is a member, partner, or employee shall represent a private individual or entity before the unit of local government to which the local government attorney provides legal services. A local government attorney whose contract with the unit of local government does not include provisions that authorize or mandate the use of the law firm of the local government attorney to complete legal services for the unit of local government shall not recommend or otherwise refer legal work to that attorney's law firm to be completed for the unit of local government.

(17) BOARD OF GOVERNORS AND BOARDS OF TRUSTEES.—No citizen member of the Board of Governors of the State University System, nor any citizen member of a board of trustees of a local constituent university, shall have or hold any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045.

History.—s. 3, ch. 67-469; s. 2, ch. 69-335; ss. 10, 35, ch. 69-106; s. 3, ch. 74-177; ss. 4, 11, ch. 75-208; s. 1, ch. 77-174; s. 1, ch. 77-349; s. 4, ch. 82-96; s. 2, ch. 83-26; s. 6, ch. 83-282; s. 14, ch. 85-80; s. 12, ch. 86-145; s. 1, ch. 88-358; s. 1, ch. 88-408; s. 3, ch. 90-502; s. 3, ch. 91-85; s. 4, ch. 91-292; s. 1, ch. 92-35; s. 1, ch. 94-277; s. 1406, ch. 95-147; s. 9, ch. 96-311; s. 34, ch. 96-318; s. 41, ch. 99-2; s. 29, ch. 2001-266; s. 20, ch. 2002-1; s. 694, ch. 2002-387; s. 2, ch. 2005-285.

¹Note.—Abolished by s. 3, ch. 2001-170.

112.3135 Restriction on employment of relatives.

(1) In this section, unless the context otherwise requires:

(a) "Agency" means:

1. A state agency, except an institution under the jurisdiction of the Division of Universities of the Department of Education;

2. An office, agency, or other establishment in the legislative branch;

3. An office, agency, or other establishment in the judicial branch;

4. A county;

5. A city; and

6. Any other political subdivision of the state, except a district school board or community college district.

(b) "Collegial body" means a governmental entity marked by power or authority vested equally in each of a number of colleagues.

(c) "Public official" means an officer, including a member of the Legislature, the Governor, and a member of the Cabinet, or an employee of an agency in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employ-

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ment in an agency, including the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.

(d) "Relative," for purposes of this section only, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(2)(a) A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member. However, this subsection shall not apply to appointments to boards other than those with land-planning or zoning responsibilities in those municipalities with less than 35,000 population. This subsection does not apply to persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide.

(b) Mere approval of budgets shall not be sufficient to constitute "jurisdiction or control" for the purposes of this section.

(3) An agency may prescribe regulations authorizing the temporary employment, in the event of an emergency as defined in s. 252.34(3), of individuals whose employment would be otherwise prohibited by this section.

(4) Legislators' relatives may be employed as pages or messengers during legislative sessions.

History.—ss. 1, 2, 3, ch. 69-341; ss. 15, 35, ch. 69-106; s. 70, ch. 72-221; s. 3, ch. 83-334; s. 1, ch. 89-67; s. 4, ch. 90-502; s. 2, ch. 94-277; s. 1407, ch. 95-147; s. 1, ch. 96-160; s. 42, ch. 99-2.

Note.—Former s. 116.111.

112.3143 Voting conflicts.—

(1) As used in this section:

(a) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(b) "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(2) No state public officer is prohibited from voting in an official capacity on any matter. However, any state public officer voting in an official capacity upon any measure which would inure to the officer's special

private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the

RESOLUTION NO. 4

A RESOLUTION OF THE 2005-2006 CHARTER REVIEW COMMISSION OF SEMINOLE COUNTY, FLORIDA, PROPOSING AMENDMENT OF ARTICLE V OF THE SEMINOLE COUNTY HOME RULE CHARTER TO PROVIDE: NEW REQUIREMENTS OF FULL DISCLOSURE OF OWNERSHIP OF PROPERTY WHICH IS THE SUBJECT OF LAND USE APPROVALS IN SEMINOLE COUNTY, FLORIDA; FOR ENFORCEMENT PROVISIONS; FOR A REFERENDUM; FOR AN EFFECTIVE DATE; AND FOR SUBMISSION TO THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA.

WHEREAS, Section 4.2(B), Seminole County Home Rule Charter provides that a Charter Review Commission periodically shall review the Charter, and propose amendments which may be advisable for placement on the general election ballot for voter approval, and

WHEREAS, hearings have been held to inform the public and receive suggestions regarding this and other amendments proposed to be made to the Seminole County Home Rule Charter; and

WHEREAS, the Seminole County Home Rule Charter provides Seminole County with all powers of local self-government not inconsistent with the Constitution and laws of Florida, and,

WHEREAS, passage of this Resolution will allow the residents of Seminole County to adopt or reject the Amendment proposed herein at a special election in conjunction with the general election to be held on November 7, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE 2005-2006 CHARTER REVIEW COMMISSION OF SEMINOLE COUNTY, FLORIDA, that:

Section 1 – Adoption of Amendments:

Subject to the approval of the electors at a special election to be held in conjunction with the general election on November 7, 2006, as required by the Constitution, Laws of Florida and Section 4.2(B) of the Seminole County Home Rule Charter, the Seminole County Home Rule Charter is amended at Article V to read:

Article V Miscellaneous Provisions

Section 1.5 Ethics

Ordinance Requirements: On or before January 8, 2008, the Board of County Commissioners of Seminole County, shall, by ordinance (the “Ordinance”), require compliance with the following provisions, which shall be supplemental to, but may not diminish the provisions of general law:

- A. Each persons or entity applying for rezoning, special exceptions or variances, shall be required to, and shall disclose the true ownership interests in any real property affected, and shall further disclose in the application the names of all true parties in interest in any corporation, trust, partnership, or other legal entity which is referenced in the application (other than entities which are traded on a national exchange or a minority interest representing less than 2% of the whole). The Ordinance shall provide penalties for violation of this subsection and, in addition to any financial or criminal penalties, the Ordinance shall, in order that no person may benefit from a violation, provide that any rezoning or land use change obtained in violation of this subsection shall be rescinded.

- B. Enforcement: In addition to other enforcement measures available by general law, the ordinance may include provisions establishing an ethics board to hear and determine charges, and prescribing penalties within the limits outlined by law. shall require that the If the Board of County Commissioners deems violation of any of said provisions to be a criminal violation, it will provide for criminal penalties in said ordinance and immediately following the effective date of this Charter provision: (1) shall enter into negotiations to reimburse the State Attorney of the Eighteenth Judicial Circuit or other prosecuting attorney for costs to be associated with prosecution of violations of the foregoing any such provisions. in accordance with Chapter 27 of the Florida Statutes, upon terms acceptable to the State Attorney or other such prosecuting attorney. and (2) The Board of County Commissioners shall also make preparations to also fund any

necessary investigation costs and other enforcement costs associated with the Ordinance.

Section 2 – Referendum:

On November 7, 2006, a special election shall be held in accordance with the requirements of the Constitution and Laws of Florida, and Section 4.2(B)(5) Seminole County Home Rule Charter in conjunction with the general election. The ballot pertaining to this proposed Charter Amendment shall read as follows:

Ballot language to be added.

Section 3 – Effective Date:

If approved by a majority of electors voting on the matter, this Charter Amendment shall become effective on November 7, 2006, and shall be incorporated into the Charter with any necessary renumbering or re-lettering of its provisions.

Section 4 – Submission to the Board of County Commissioners of Seminole County, Florida:

This Resolution and proposed amendment shall be delivered to the Board of County Commissioners of Seminole County, Florida, in accordance with Section 4.2(B)(5), Seminole County Home Rule Charter, for placement on the general election ballot to be held November 7, 2006.

APPROVED AND ADOPTED by the Seminole County Charter Review Commission on this _____ day of _____, 2006.

By: Ben Tucker
Chairman, Seminole County
Charter Review Commission